

RICK A. YARNALL
CHAPTER 13 BANKRUPTCY TRUSTEE
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E-FILED

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
YVONNE DEER
ROBERTO DEER

CASE NO: BKS-10-14149-MKN

CHAPTER 13

Hearing Date: June 10, 2010

Hearing Time: 1:30 pm

JEFFREY A COGAN ESQ LTI
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #2
COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

The Trustee herein, Rick A. Yarnall, hereby objects to confirmation of Plan and hereby represents the following:

The debtor(s) filed for Chapter 13 relief on 03/15/2010. The 341(a) Meeting of Creditors held on May 04, 2010 at 8:30 am was:

- concluded

The Trustee objects to confirmation of the Chapter 13 Plan for the following reason(s):

- Other: Motion to avoid lien of deed(s) of trust must be completed prior to confirmation hearing
- Amendment to Plan: IRS liability for 2009
- The debtor(s) has failed to cooperate with the Trustee [11 USC 521 (3)] as the following document(s) were not provided:
 - Original signature(s) on B21 and/or ECF
 - Tax returns: 2006-2007(INCOMPLETE)
 - Bank statments: BOA#2601 sep-feb(only provided first page)
 - Proof post petition mortgage payments are current
 - Support amount stated on Schedule J regarding excessive expenses: health insurance deduction, recreation; support to dependent
- Other: documentation on 401k loan repayment as to date loan repayment started or when loan repayment ends; Copy of life insurance declaration page & premium statement for all policies

The Chapter 13 Trustee objects to the following line(s) on the Debtor's form B22(c) for the reason the amount stated therein is either incorrect or excessive and requires the debtor to provide documentation to support the claim;

- Line 30 - Part IVA. Other Necessary Expenses: taxes
- Plan is not feasible [11USC 1322] due to: interest on secured claim filed by Hyundai Motor Finance;
- Plan insufficient to pay dividend to unsecureds based on B22c
- Plan should be 100% based on Liquidation value and/or B22c
- Plan to be interlineated with tax years: 2010-2014

THEREFORE, the Trustee objects to confirmation for the foregoing reasons and recommends that this case be dismissed and that the Trustee be allowed administrative expenses in the amount of \$150.00 per quarter the case is pending.

Dated: May 28, 2010

/s/ Rick A. Yarnall

Rick A. Yarnall, Chapter 13 Trustee